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27  
28 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

29  
30 IN RE DYNAMIC RANDOM ACCESS  
31 MEMORY (DRAM) ANTITRUST  
32 LITIGATION

33 Master File No. M-02-1486-PJH

34 MDL No. 1486

35 [PROPOSED] ORDER APPROVING  
36 JOINT NOTICE TO CLASS  
37 REGARDING CLASS  
38 CERTIFICATION AND  
39 PRELIMINARY APPROVAL OF  
40 CLASS ACTION SETTLEMENTS  
41 WITH SAMSUNG, INFINEON AND  
42 HYNIX DEFENDANTS

43  
44 This Document Relates to:

45 Time: 9:00 a.m.

46 Date: July 26, 2006

47 Judge: Hon. Phyllis J. Hamilton  
Courtroom: 3

48  
49 ALL DIRECT PURCHASER ACTIONS

50 [PROPOSED] ORDER APPROVING JOINT NOTICE AND PRELIMINARY APPROVAL OF CLASS ACTION  
51 SETTLEMENTS; Master File No. M-02-1486 PJH

1           The Court, having approved the three settlement agreements (“Settlements”) entered into  
 2 between (i) plaintiffs and defendants Infineon Technologies AG and Infineon Technologies North  
 3 America Corp. (collectively “Infineon”); (ii) plaintiffs and defendant Samsung Semiconductor,  
 4 Inc., (“Samsung”); and (iii) Hynix Semiconductor, Inc. and Hynix Semiconductor America, Inc.  
 5 (“Hynix”); (collectively “Settling Defendants”), and having issued its order certifying the class for  
 6 litigation purposes on June 5, 2006, hereby ORDERS:

7           1.       The Court will hold a Fairness Hearing pursuant to Federal Rule of Civil Procedure  
 8 23(e) on November 1, 2006. The Fairness Hearing will be held to determine the following:

9           (a)      Whether each of the proposed Settlements are fair, reasonable and adequate and  
 10 should be granted final approval by the Court pursuant to Federal Rule of Civil Procedure 23(e);

11           (b)      Whether final judgments should be entered dismissing the claims of the class  
 12 against the Settling Defendants with prejudice as required by each of the Settlements; and

13           (c)      Such other matters as the Court may deem appropriate.

14           2.       Rust Consulting, Inc. is approved to serve as the Class Administrator.

15           3.       By August 25 2006, Class Notice, substantially in the form attached hereto as  
 16 Exhibit “A” shall be sent by the Class Administrator via first class U.S. mail or email, postage  
 17 prepaid, to all members of the Class at their last known address and/or email address as reflected in  
 18 the records of Settling Defendants and the non-settling defendants. By August 29, 2006,  
 19 publication notice substantially in the form of Exhibit B hereto shall be published in the national  
 20 edition of The Wall Street Journal. Class Counsel shall also cause a copy of the Notice and the  
 21 Settlements to be posted on the Internet at a readily accessible website to be created and maintained  
 22 by the Class Administrator.

23           4.       The Court finds that this manner of giving notice fully satisfies the requirements of  
 24 Federal Rule of Civil Procedure 23 and due process, constitutes the best notice practicable under  
 25 the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

26           5.       Plaintiffs’ Class Counsel shall file, not later than 14 days before the Fairness  
 27 Hearing, proof of compliance with paragraph 3 of this Order.

1       6. Each class member shall have the right to be excluded from the Class by mailing a  
 2 request for exclusion to the Class Administrator not later than October 3, 2006. Requests for  
 3 exclusion must be in writing and set forth the name and address of the person or entity who wishes  
 4 to be excluded, as well as all trade names or business names and addresses used by such person or  
 5 entity, and must be signed by the class member seeking exclusion. At least 14 days prior to the  
 6 Fairness Hearing, Plaintiffs' Class Counsel shall file with the Court a list of all persons who have  
 7 timely requested exclusion from the class.

8       7. Any class member who does not properly and timely request exclusion from the  
 9 Class shall, upon final approval of the Settlements, be bound by all the terms and provisions of the  
 10 Settlements so approved, including but not limited to the releases, waivers, and covenants  
 11 described in the Settlements, whether or not such person or entity objected to the Settlements and  
 12 whether or not such person or entity made a claim upon the settlement funds.

13       8. As provided by the Class Notice, each class member who does not timely exclude  
 14 itself from the class shall have the right to object to the Settlements by filing written objections  
 15 with the Court not later than October 3, 2006, copies of which shall be served on all counsel listed  
 16 in the Class Notice.

17       9. All briefs, memoranda, and supporting papers in support of final approval of the  
 18 Settlements shall be filed not later than October, 17, 2006.

19       10. All further class proceedings as to the Settling Defendants are hereby stayed except  
 20 for any actions required to effectuate the Settlements.

21       11. The Court retains exclusive jurisdiction over this action to consider all further  
 22 matters arising out of or connected with the Settlements.

23       **IT IS SO ORDERED.**

24  
 25       Dated: July 27, 2006

